

Domestic Violence

Legal reference: Iowa Code Section 232.71B, subsection 4(d)

Note: The information in this section has been adapted from Gandley, A., Schechter, S. *Domestic Violence: A National Curriculum for Child Protective Services*, Family Violence Prevention Fund, 1996.

“Domestic violence” is defined as a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks as well as economic coercion, that adults or adolescents use against their intimate partners.

Several studies have shown a link between domestic violence and child abuse:

- ◆ Surveying over 6000 American families, research found that 50% of men who frequently assaulted their wives also frequently abused their children (Straus, M.A. & Gelles, R.J. 1990. *Physical violence in American families*. New Brunswick, NJ: Transaction publishers).
- ◆ Of the 67 child fatalities in Massachusetts in 1992, 29 (43%) were in families where the mother identified herself a victim of domestic violence (Felix & McCarthy).
- ◆ In a 1985 study by Giles-Sims, 63% of the battered women reported that the domestic violence perpetrator used violence against a child in the previous year.
- ◆ Compared to children who do not witness violence at home, child domestic violence witnesses exhibit.
 - More aggressive, antisocial, fearful, and inhibited behaviors (Christopheropoulos, et al, 1987; Forsstrom-Cohn & Rosenbaum, 1985; Holden & Ritchie, 1991; Hughes, 1988; Westra & Martin, 1981),
 - Less empathy and self-esteem (Hinchey & Gavelek, 1982; Hughes, 1988), and
 - Lower verbal, cognitive, and motor abilities (Westra & Martin, 1981),

Goals for child protective intervention in domestic violence cases are:

- ◆ To protect the children.
- ◆ To increase the safety and well-being of children by increasing the safety of their parents.
- ◆ To increase the safety of children by supporting the autonomy of the domestic violence victim.
- ◆ To hold the domestic violence perpetrator, not the victim, responsible for the abusive behavior and for stopping it.

The following assumptions guide effective child protective interventions in domestic violence cases:

- ◆ Many men who physically or sexually abuse or neglect children also abuse the mother, so routine screening for domestic violence must be part of child protection efforts.

- ◆ When the domestic violence perpetrator abuses an adult intimate partner, the perpetrator also emotionally injures the children. Therefore, to protect the children, a child protective plan or other interventions must deal with the domestic violence.
- ◆ As a consequence of the domestic violence or other problems, a battered woman may abuse or neglect her children. Protecting the mother from an assaultive partner should be considered as a way to reduce risk to children.
- ◆ Domestic violence perpetrators, not their victims, must be held accountable for abusive behavior. Therefore, like sex offenders, domestic violence perpetrators need significant controls placed on them in the context of a child protection service intervention.

The following sections give more information about:

- ◆ Identifying domestic violence.
- ◆ Interviewing families about domestic violence.
- ◆ Working with victim advocates or counselors.
- ◆ Risk assessment for domestic violence.
- ◆ Safety planning for families.

Identifying Domestic Violence

Identifying domestic violence requires gathering information about:

- ◆ The threats or the use of physical force against intimate partner.
- ◆ The pattern of coercive behaviors.
- ◆ Who is the domestic violence victim and who is the domestic violence perpetrator.

When possible, ask the referring agency or individual about presence of domestic violence. For example, ask questions like:

- ◆ Has anyone else (beside the children being reported) in the family been hurt or assaulted? If so, describe the assault (what and when)?
- ◆ Has anyone in the family made threats to hurt or kill another family member or himself?
- ◆ Do you know if weapons have been used to threaten or to injure a family member?
- ◆ Have the police ever been called to the house to stop assaults against adults or children? Have arrests ever been made?
- ◆ Has anyone threatened to take the children?
- ◆ Has any family member stalked another family member?
- ◆ Do you know who is protecting the children right now?

When asking about domestic violence, convey that these are routine questions asked in every case.

Other sources of information include:

- ◆ Family members' self-reports when being interviewed about violence or other issues.
- ◆ Routine, direct inquiry for purpose of identifying domestic violence. Given prevalence of domestic violence and impact on children, inquire directly about domestic violence with all families.
- ◆ Direct observation, such as:
 - Acts of physical abuse.
 - Threats of violence.
 - Other tactics of control.
- ◆ Reports from agencies and individuals (child welfare agencies, police or courts. counselors, domestic violence programs, schools, family, neighbors, etc.).
- ◆ Referral reports, written evaluations, telephone reports.
- ◆ Criminal records check
- ◆ Observations of the effects of domestic violence, such as:
 - Injuries.
 - Stress related illnesses.
 - Damage to physical property.
 - Behavior indicating parent's fear of partner or control by partner.
 - Behavior indicating child's fear of one parent.
 - Behavior indicating child's protectiveness for the other parent.
 - Depression, anxiety, suicide attempts, substance abuse or repeated help-seeking by domestic violence victim.

Interviewing Families About Domestic Violence

Safety for the children and the domestic violence victim is the priority when you conduct domestic violence interviews.

Routinely inquire about domestic violence during the initial reports and in assessment interview with every adult family member, whether or not there are allegations of domestic violence, and whether or not an adult male lives in the household.

Interview domestic violence victims and perpetrators separately when inquiring about domestic violence. Explain that child protection workers routinely ask questions about domestic violence with all families.

When domestic violence is revealed:

- ◆ Immediately make a safety plan for the adult and child victims.
- ◆ Give the victims contact numbers for victim advocacy services where they can discuss domestic violence issues confidentially.

- ◆ Explain to the victims that you are required to protect children and that victim disclosures will be used top for the children's safety.

If domestic violence is disclosed during a meeting with other family members present, acknowledge concern for family member's safety. Try to determine if people are at immediate risk and plan for their safety. If there is no immediate safety concern, explore the disclosure in separate, individual sessions with family members.

Domestic violence victims may be reluctant to talk with child protection workers because of fears of losing their children or of being punished by the batterers. By focusing on the safety concerns, you can build an alliance with the domestic violence victim.

Also, some domestic violence victims minimize or deny the violence as a way to survive the abuse. Make stronger connections with domestic violence victims by informing them that they do not deserve the abuse, that they and the children are in danger, and that you will try to help the victim protect herself and her children.

Interview the domestic violence perpetrator in away that encourages the person to disclose his own abusive conduct. **Do not confront** the domestic violence perpetrator with information provided by a victim. You can sometimes use police reports or other agency reports about the domestic violence in the interviews with perpetrator. **Do not use any information from a victim's statements.**

If an identified perpetrator denies domestic violence, do not try to force disclose, but move on to other subjects. Angry confrontations with the domestic violence perpetrators often result in retaliation against the children or domestic violence victims.

Working with Victim Advocates or Counselors

If a domestic violence victim has used the services of a local domestic abuse program, the victim has likely worked with a victim counselor, someone who has received specialized training about working with this population.

Victim counselors review options with domestic violence victims, including informing the victim about legal, counseling, public financial support, and other community services.

All domestic violence programs have confidentiality policies that prohibit sharing information about domestic violence victims who use their services without a release from the victim.

Separate from program policy, by operation of Iowa Code Chapter 915.20A, communication between victim counselors and domestic violence victims is confidential and cannot be disclosed to anyone, including child protective workers conducting child protective assessments.

The privilege includes all information about domestic violence victims who have used domestic violence programs' services, including information whether they are currently a client or have ever been a client. This privilege can be broken only if the specific criminal court procedures under Iowa Code Chapter 915.20A are followed.

Risk Assessment for Domestic Violence

When domestic violence is identified, address the following question during the course of the assessment:

- ◆ Are the children in danger?
- ◆ What is the nature of the risk to the children?
- ◆ Who is responsible for causing the children to be in danger?
- ◆ Is emergency intervention necessary?
- ◆ When is further assessment needed?
- ◆ Which interventions would ensure the safety of the children?
- ◆ How best can the risk to the children be monitored over time?

To answer these questions, you will need information about:

- ◆ The domestic violence perpetrator's assaultive and coercive conduct. Ask questions about:
 - Physical assaults, such as partners pushing, shoving, grabbing, and shaking; or one partner restraining or pinning the other down.
 - Sexual assaults, such as one partner pressuring the other for sex when the other did not want it, or physically forcing the other to have sex or unsafe sex.
 - Psychological assaults, such as one partner threatening violence against the other, the children, or others; or one partner attacking property or pets, stalking, harassing, or intimidating the other.
 - Economic coercion, such as one partner controlling the other through money by not allowing the partner to work or spend money without permission.
 - Use of children to control the partner, such as one partner threatening or using violence against the children; or one partner making the children watch or participate in the abuse of the other partner.
- ◆ Impact on the domestic violence victim due to the domestic violence. Ask question about:
 - Injuries or health problems to the victim, such as loss of appetite, sleep disturbances, headaches, bruises, and fractures.
 - Psychological and emotional problems to the victim, such as depression, anxiety, fears, and feeling numb.
 - Permission from one partner required regarding clothes the other wears, time to go to bed, daily schedule, going outside of the house, or discipline of children.
- ◆ Impact on the children do to the domestic violence. Ask questions about:
 - Injuries or health problems, such as bruises, broken bones, black eyes, bumps, and recent health changes.
 - Psychological and emotional impact, such as withdrawal, depression, increased irritability, anxiety, nightmares, and suicidal expressions.

- Behavioral problems, such as use of physical force or threats of physical force, problems eating or sleeping, running away, cuffing themselves, and destroying toys.
- Social disruptions, such as moves, changing schools, isolation from friends, and loss of family members, peers, or adults.
- Impact on domestic violence victim's parenting, such as ability to take care of the children, consider the children's best interest, and keep the children safe.
 - Impact on the domestic violence perpetrator's parenting, such as:
 - Failing to consider the children's best interest or to keep the children safe.
 - Undermining the parenting of the domestic violence victim.
 - Expecting the domestic violence victim to be the sole parent.
 - Using the children to control the domestic violence victim.
 - Using physical force against the children.

◆ Protective resources in the situation, including:

- Victim resistance to the perpetrator, belief in self and children, willingness to seek help, work skills, parenting skills, ability to plan for children's safety, knowledge of the abuses and the situation, use of safety resources for self and children
- Children's' ages and developmental states, positive relationships with domestic violence victim, siblings, other family members, and neighbors; action during violence, help-seeking behavior, knowledge about "what to do" in domestic violence episodes, ability to carry out safety plans.
- Community resources for the victim, such as victim advocacy and support services, effective criminal justice response to domestic violence (policy, prosecutors, courts, and corrections), welfare and social services, safe housing⁴ community of faith.
- Community resource for the perpetrator, such a batterer's education program and accessible substance abuse treatment.
- Perpetrator's ability to stop the abuse, such as halting abuse during the child protective assessment process, acknowledgement of abusive behavior as a problem, acknowledgement of responsibility for stopping abuse, cooperation with current efforts to address abusive behavior, attendance and follow through with education programs.

◆ **Lethality risk**, including

- Perpetrator's access to the victim.
- Pattern of the perpetrator's abuse, such as frequency or severity of abuse in current, concurrent, past relationships; use and presence of weapons; threats to kill; hostage taking or stalking, past criminal record.
- Perpetrator's state of mind, such as obsession with victim or jealousy; ignoring negative consequences of violence; and depression or desperation.
- Reduced behavioral control of either victim or perpetrator due to substance abuse, medications, psychosis or other major mental illness, or brain damage.
- Suicidality of victim, children, or perpetrator.
- Victim's use of physical force.
- Children's use of violence.

- Situational factors such as separation violence (when the victim attempts to leave batterer).
- Past failures of system to respond appropriately.

Determining High Risk to Child

Consider high risk and the need for immediate response when the family situation exhibits one of the following:

- ◆ ·Domestic-violence-related injuries to an adult or children.
- ◆ ·A severe assault, frequent domestic violence assaults, or escalation of severity and frequency.
- ◆ ·Display or use of weapons during domestic violence assault.
- ◆ ·Domestic violence victim believes self or children could be seriously injured or killed.
- ◆ ·Domestic violence perpetrator's threats to kill or seriously injure self or others.
- ◆ ·Domestic violence perpetrator's stalking of domestic violence victim or children.
- ◆ ·Substance abuse problem.
- ◆ ·Menacing conduct of domestic violence perpetrator and risk of children being assaulted or snatched.
- ◆ Nonabusive parent forced to flee and leave children with domestic violence perpetrator (or parent and children have fled, without a place to go).
- ◆ Domestic violence victim unable to care for children due to the trauma of a recent assault or to the trauma from a series of multiple incidents.

Risk increases when the domestic violence perpetrator has ongoing access to domestic violence victim the children.

Safety Planning

Ask some the following questions as you discuss safety:

- ◆ In what way can I help you?
- ◆ What do you feel you need to be safe?
- ◆ What particular concerns do you have about your children's safety?
- ◆ What have you tried in the past to protect yourself and your children?
- ◆ Can we help you connect to a domestic violence agency, police or court for help?
- ◆ Who in your support system will help you? How can they help? Can we involve them?

If the domestic violence victim has separated from the domestic violence perpetrator. Evaluate the following options together:

- ◆ Changing locks on door and windows.

- ◆ Teaching the children to call the police or family and friends if the perpetrator takes them or assaults again.
- ◆ Talking to schools and child care providers about who has permission to pick up the children and developing other special provisions to protect the children.
- ◆ Finding a lawyer knowledgeable about family violence to explore custody, visitation, and divorce provisions that protect the children and the victim.
- ◆ Obtaining an order of protection.
- ◆ Asking neighbors to inform the victim if the perpetrator returns to the area.
- ◆ Figuring out what the victim can do (or is willing to do) if the perpetrator returns.

If the victim **is leaving** the domestic violence perpetrator, review the following:

- ◆ How and when can the victim most safely leave?
- ◆ ·Does the victim have transportation? Money? A place to go?
- ◆ ·Is the place the victim is fleeing to safe?
- ◆ ·Is the victim comfortable calling the police if needed?
- ◆ ·Who does the victim tell or not tell about leaving?
- ◆ ·Who in the victim's support network does the victim trust to protect her?
- ◆ ·What can the victim and others do so that her partner will not find her?
- ◆ ·How will the victim travel safely to work or school or to pick up children?
- ◆ ·What custody and visitation provisions would keep the victim and children safe?
- ◆ ·Would an order to protection be a viable option?
- ◆ ·What community, shelter, and legal resources will help the victim feel safer? Write down their addresses and phone numbers. Help the victim call them. Encourage the victim to use them.

If the victim is **staying with the perpetrator**, review the following:

- ◆ In an emergency what works best to keep the victim and the children safe?
- ◆ Who can the victim call in a crisis?
- ◆ Would the victim call the police if the violence starts again?
- ◆ Is there a phone in the house or can the victim work out a signal with the children or the neighbors to call the police or get help?
- ◆ If the victim needs to flee temporarily, where can the victim go? Help the victim think through several places to go in a crisis. Write down the addresses and phone numbers.
- ◆ Would a protection order help the victim?

- ◆ If the victim needs to flee, where are the escape routes from the house?
- ◆ Are there dangerous locations in the house? How can the victim avoid being trapped in them?
- ◆ If there are weapons in the house, explore ways to have them removed.

Remind the victim that in the middle of a violent assault, it is always best to trust her judgment about what is best – sometimes it is best **to** flee, sometimes to placate the assailant, anything that works to protect herself and the children.

Advise the victim to make an extra set of car keys and to hide some money in case of an emergency. Other things that it is advisable to have available in case flight is necessary include:

- ◆ Birth certificates.
- ◆ Social security cards.
- ◆ Marriage and driver's licenses and car title.
- ◆ Bank account number.
- ◆ Credit and ATM cards.
- ◆ Savings passbooks.
- ◆ School and health records.
- ◆ Welfare and immigration documents.
- ◆ Medications and prescriptions.
- ◆ Divorce papers or other court documents.
- ◆ Phone numbers and addresses for family, friends and community agencies.
- ◆ Clothing and comfort items for the victim and the children.

Planning With Parents for Their Children

When planning for the safety of the children with the domestic violence victim, pose some of the following questions:

- ◆ ·In what way can we help you to protect your children? What can we do?
- ◆ ·What have you tried in the past to protect your children?
- ◆ ·What do you need now to protect your children?
- ◆ ·Do you feel that a shelter or a protection order would be helpful?
- ◆ ·If so, do you want to use these options now?
- ◆ ·If not, what other ideas do you have about ways to keep your children safe (e.g. their temporarily staying with relatives or friends)?

When planning for the safety of the children with the domestic violence perpetrator, ask the following questions:

- ◆ What do you intend to do to stop the violent behavior?
- ◆ What actions will you take to ensure that the abuse stops and your family is safe?

Explore alternatives such as:

- Respecting no-contact orders.
- Removing weapons from your home, car, and environment.
- Not using alcohol or drugs.
- Leaving the house (like using time-outs).
- Going to counseling.

Planning With Children

Explore the following issues with the domestic violence victim and the children, when appropriate:

- ◆ How the children can find a safe adult and ask to help whenever they experience violence at home
- ◆ How the children can escape from the house if an assault is in progress. If they cannot escape, what room in the house is the safest for them?
- ◆ How the children can avoid getting in the middle of an assault.
- ◆ Where the children can go in an emergency. (Ask them to explain what they will do, step by step.)
- ◆ How to call the police.
- ◆ How to call family members, friends, or community agencies for help.